

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DR. MORGAN REYNOLDS on behalf of the
UNITED STATES OF AMERICA,

Plaintiff/Relator,

vs.

Case No. 07-CV-4612
(GBD)(DCF)

SCIENCE APPLICATIONS INTERNATIONAL
CORP.; APPLIED RESEARCH ASSOCIATES, INC.;
BOEING; NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES, INC.;
DATASOURCE, INC.; GEOSTAATS, INC.;
GILSANZ MURRAY STEFICEK LLP;
HUGHES ASSOCIATES, INC.; AJMAL
ABBASI; EDUARDO KAUSEL;
DAVID PARKS; DAVID SHARP; DANIELE
VENEZANO; JOSEF VAN DYCK; KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES,
INC.; ROSENWASSER/GROSSMAN CONSULTING
ENGINEERS, P.C.; SIMPSON GUMPERTZ &
HEGER, INC.; S.K. GHOSH ASSOCIATES,
INC.; SKIDMORE, OWINGS & MERRILL,
LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.;
WISS, JANNEY, ELSTNER ASSOCIATES,
INC.; AMERICAN AIRLINES; SILVERSTEIN
PROPERTIES; and UNITED AIRLINES,

**REPLY OF SCIENCE
APPLICATIONS
INTERNATIONAL CORP.
TO RELATOR'S
MEMORANDUM OF LAW
IN OPPOSITION TO
DEFENDANT'S MOTION
TO DISMISS**

Defendants.
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Science Applications International Corp. ("SAIC") entered its initial appearance in this case by filing a motion to dismiss that simply joined in the motion filed by Applied Research Associates, Inc. ("ARA"). Plaintiff asserts that SAIC's motion is untimely because in its Order of February 4, 2008, the Court stated the defendants' "time to reply," and plaintiff's "time to respond to the pending motions to dismiss," were extended to February 29, 2008. Having not previously appeared in the

case, SAIC was not served with that Order, and in any event, the Order does not refer to any deadline for defendants to join in existing motions.

Furthermore, plaintiff cannot demonstrate that prejudice has resulted from SAIC's joinder of ARA's motion on March 5, 2008. The filing of SAIC's motion, only five days after the February 29, 2008 date, has not interfered with the Court's schedule or resulted in any prejudice to plaintiff. *Compania TrasAtlantica Espanola, S.A. v. Hartford Accident & Indem. Co.*, 950 F.2d 105, 107 (2d Cir. 1991); *Buckley v. Deloitte & Touche USA LLP*, 2007 WL 1491403, at *14 (S.D.N.Y. May 22, 2007).

Nevertheless, plaintiff filed a lengthy set of papers in opposition to SAIC's motion. Nearly all of those papers repeat the assertions already made by plaintiff in several of plaintiff's other filings. SAIC will not burden the Court's time by addressing those arguments, as they are adequately addressed in ARA's motion and reply papers.


As to the few points raised by plaintiff concerning SAIC, those points too are wholly irrelevant to the legal questions raised by the pending motion. The statements about SAIC do not satisfy Rule 9(b) because no false claim is identified, nor do they even purport to supply the basis for jurisdiction. Plaintiff's papers are devoid of any credible legal argument and instead present baseless legal conclusions asserting that there is jurisdiction and that the complaint is adequately-pled, as well as additional contentions that plaintiff purports to be fact. As SAIC's adoption of ARA's motion is based solely on jurisdictional and procedural deficiencies in plaintiff's complaint, no admission or denial was called for, and none made by SAIC. Thus, plaintiff's attempt to characterize SAIC's motion as some sort of denial, which effectively answers the complaint and moots the Rule 9(b) motion, is without merit.

WHEREFORE, Science Applications International Corp. respectfully requests that its motion be granted and that plaintiff's complaint be dismissed with prejudice, along with an award entitling Science Applications International Corp. to recover its attorneys' fees.

Dated: March 28, 2008
New York, New York

Respectfully submitted,

McKENNA LONG & ALDRIDGE LLP

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